

Amendment and Response

Applicant: James Friskel

Serial No.: 10/058,097

Filed: January 29, 2002

Docket No.: 200400110-1

Title: SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER INTERFACE FOR A COMPUTER APPLICATION

REMARKS

The following remarks are made in response to the Office Action mailed April 24, 2008. Claims 29-46 were rejected. With this Response, claims 29, 35, and 41 have been amended and claims 33, 39, and 45 are cancelled without prejudice. Claims 29-32, 34-38, 40-44, and 46 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 33, 39, and 45 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These claims are now cancelled.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 29-46 under 35 U.S.C. § 103(a) as being unpatentable over the Wishoff et al. U.S. Patent Application Publication No. 2002/0070978, further in view of the Ko et al. U.S. Patent No. 6,292,185.

Independent claims 29, 35, and 41 have been amended to include the features of including the graphics file and the configuration file on a user computer, “wherein the user computer is connected to a server computer through a network,” and “updating said graphic file and said configuration file with the server computer.” Applicant respectfully submits that these features are not taught or suggested by the prior art references represented by the Wishoff et al. Publication and the Ko et al. Patent.

Applicant agrees with the Office Action on page 5 that “Wishoff fails to clearly teach that at least one of the group consisting of the graphics file and the configuration file is updated dynamically by a server computer coupled to the computer system.” Accordingly, the Wishoff et al. Publication cannot teach the features of “updating said graphic file and said configuration file with the server computer” as required in the amended claims.

The Ko et al. Patent also does not teach or suggest the features of “updating said graphic file and said configuration file with the server computer.” Instead the Ko et al. Patent discusses only updating the configuration file (see column 5, lines 45-64). Other unrelated

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files may be updated with the server as well, but the graphics file is changed only by the website designer at the user computer and not via the server. The server does not provide the update, which permits the designers to create their own updates at their computers to customize the system. Without the functionality of a user customizable system, the web page designer in the system taught by the Ko et al. Patent is unable to “customize the appearance of a graphical web page free from the limits imposed by the browser,” which is an important object and teaching of the Ko et al. Patent.

Because the features of amended independent claims 29, 35, and 41 are not taught or made obvious in the references separately, the features cannot be found in any combination of the references.

In view of the above, all of the limitations of amended independent claims 29, 35, and 41 are not taught or suggested by the Wishoff et al. Publication in view of the Ko et al. Patent. Furthermore, dependent claims 30-32 and 34 further define patentably distinct amended independent claim 29. Dependent claims 36-38, and 40 further define patentably distinct amended independent claim 35. And dependent claims 42-44 and 46 further define patentably distinct amended independent claim 41. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and requests allowance of these claims.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 29-32, 34-38, 40-44, and 46 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 29-32, 34-38, 40-44, and 46 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Clare Hartnett at Telephone No. (408) 447-0289, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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